

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

ANTHONY BERNARDLY JONES

CRIMINAL ACTION
NO. 02-778

PAPPERT, J.

December 27, 2022

MEMORANDUM

The facts and procedural posture of this case are set out in the Court’s December 23, 2020, and October 20, 2021, Memorandum Opinions denying compassionate release. (ECF 121, 129.) The Court denied Jones’s most recent request for compassionate release in October of 2021. *See* (ECF 129, 130). Jones now seeks reconsideration of that decision, relying on the Supreme Court’s recent decision in *Concepcion v. United States*, 142 S.Ct. 2389 (2022). But Jones provides no basis for reconsideration of the Court’s prior Opinion and Order, and *Concepcion* does not apply to his circumstances.

A motion for reconsideration may be granted based on “(1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court made its initial decision; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice.” *In re Energy Future Holdings Corp.*, 904 F.3d 298, 311 (3d Cir. 2018) (quotation omitted) (cleaned up). Jones’s sole argument is that *Concepcion* abrogated *United States v. Andrews*, 12 F.4th 255, 261 (3d Cir. 2021), which the Court relied on for the proposition that a non-retroactive change in law is not an “extraordinary and compelling” reason for modifying a sentence. *Concepcion* did not undermine *Andrews*. *United States v. Bledsoe*, No. 22-2022, 2022 WL 3536493, at *2

(3d Cir. Aug. 18, 2022) (unreported). *Concepcion* concerned the information a court can consider at the resentencing stage; it “is irrelevant to the threshold question of whether any given prisoner has established an ‘extraordinary and compelling’ reason for release.” *United States v. King*, 40 F.4th 594, 596 (7th Cir. 2022).

An appropriate Order follows.

BY THE COURT:

/s/ Gerald J. Pappert

GERALD J. PAPPERT, J.